

TOWN OF NEWSTEAD
ZONING BOARD OF APPEALS
MINUTES OF MAY 9,2000

Present: Corky Keppler, Chairman
Bill Kaufman
Ike Cummings
Scott Chaffee

Donnal D. Folger, Code Enforcement Officer
Rebecca K. Baker, Recording Secretary

The meeting was called to order at 7:30pm by Corky Keppler to discuss the use variance requested by the Sowinskis on Crittenden Rd. The Sowinskis claim they need to reconstruct the home into a two family so that Mrs. Sowinski's mother can move in and they can take care of her during her chemotherapy treatments. A notice of the meeting was posted on the Clerk's bulletin board 2 weeks prior.

Don Folger informed the board of the results of his research through 40 years of minutes. There have been no previous variances granted dealing with a use variance in an R1 district. He found the following situations, which do not apply in this case:

1. allowed conversion of a 2 family to a 4 family on Rt. 5 (C1 district)
2. 3 family on Main and S. Newstead
3. 3 family on Stage and S. Newstead
4. 4 family and single on same lot on Bloomingdale
5. Special permit granted on Hunts Corners for 7 family unit

All the above were done prior to zoning code in affect.

The Sowinskis mentioned the house on Buell St. owned by Mazza. The permit, when granted, specified a one family home and no variance has been granted since. All residents are of one family.

The office researched the entire town via the assessment software and found no multi family homes that were not allowed according to zoning.

Because this is a use variance, Newstead Zoning Code requires the applicant to prove the following:

- *Hardship that was not self induced
- *Major loss of income if variance is not granted

The board noted the following issues:

1. what happens after the mother moves out
2. why can't she live in the house as is
3. could she live with them in their new house they are building on the rear lot
4. will this set a precedence for future residents in that neighborhood or the R1 district on Buell St.
5. there is no income loss, because the house could be sold or rented as a one family home.

After much discussion, Ike motioned to grant the variance, Corky seconded. Further discussion took place. Both Scott and Bill were concerned about setting precedence and protecting the rights of the other residents in that district. The issue of the current and future master plan arose and some concern was voiced as to adhering to those plans.

The results of a vote were as follows:

Corky and Ike – YES

Scott and Bill – NO

Due to a tie, another meeting was scheduled for either May 16th or 30th at 7:30pm so that the entire board can be present. (A majority of the board (3 votes) regardless of the number of members present at a meeting is needed to pass the motion.)